IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 869 of 2005(C)

OS.647/2004 OF PRINCIPAL MUNSIFF COURT.,ERNAKULAM.
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PETITIONER:

V.C.CHANDRAN S/O. CHODAPPAM,
WORKING IN THE NEW INDIA ASSURANCE CO.LTD.,
TIED DIVISIONAL OFFICE, DIVISIONAL OFFICE,
M.G.ROAD, ERNAKULAM.

BY ADV. SRI.V.P.K.PANICKER.

RESPONDENTS:
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1. **BANK OF INDIA,**
   A BODY CORPORATE CONSTITUTED UNDER THE
   BANKING COMPANIES (ACQUISITION AND TRANSFER OF
   UNDERTAKINGS) ACT, 5 OF 1970 HAVING ITS HEAD OFFICE
   AT STAR HOUSE AT POT NO. C-5, G.BLOCK,
   BANDRA, KURIA COMPLEX, BANDRA EAST,
   MUMBAI - 400051, AND A BRANCH OFFICE AMONGST OTHER PLACES
   AT COLLEGE GROUND, M.G. ROAD, ERNAKULAM,
   REPRESENTED BY ITS CHIEF OFFICER A.R.D,
   ZONAL OFFICE, KALOOR TOWERS
   KALOOR, KOCHI-682 017, WHO IS THE DULY
   APPOINTED POWER OF ATTORNEY HOLDER.

2. **K.K.MANIYAN, NEW INDIA ASSURANCE CO.LTD.**
   TIED DIVISIONAL OFFICE, DIVISIONAL OFFICE,
   M.G.ROAD, ERNAKULAM.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.869/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN O.S. NO. 647/2004 ON THE FILE OF THE MUNSIFF'S COURT, ERNAKULAM DTD. 11/10/2004.

EXT.P.2: COPY OF THE ORDER DTD. 02/11/2004 IN O.S. NO. 647/2004 ON THE FILE OF THE MUNSIFF'S COURT, ERNAKULAM DTD. 02/11/2004.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

M.N.KRISHNAN, J

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W.P.(C) No.869 OF 2005

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Dated this the 30th day of July, 2007

JUDGMENT

This writ petition is filed to set aside the order of the Principal Munsiff, Ernakulam in O.S.No.647 of 2004. The learned Munsiff refused to receive the written statement filed by the defendants on the ground that it has been filed beyond the period of 90 days and as the court is incompetent to extend the time the prayer is not allowed. Learned counsel for the petitioner has brought to my notice that the court itself posted the case for filing of the written statement on 12.10.2004 and it was filed on that day. It is true that at that point of time it was not clear whether the court is competent to extend the period for filing the written statement beyond the period of 90 days from the date of service of summons. Since the defendants had filed the written statement on the date notified by the court for filing written statement the court has to receive the same and proceed with the suit.

Therefore the order under challenge is set aside and the Principal Munsiff's Court, Ernakulam is directed to receive the written statement

filed, frame issues and dispose of the matter in accordance with law.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-